

1603713-Court-A-U.S.
 HURMAN R. SIMS
 LAW OFFICE OF HURMAN R. SIMS
 222 NEW BRIDGE ST
 JACKSONVILLE, NC 28540

IN RE
 JAMES MACKENZIE JORDAN
 2405 HINES FARMS ROAD

 JACKSONVILLE, NC 28540
 SSN or Tax I.D. XXX-XX-5395

 DEIDRE KNIGHT JORDAN
 2405 HINES FARMS ROAD

 JACKSONVILLE, NC 28540
 SSN or Tax I.D. XXX-XX-1287

U.S. Bankruptcy Court
 P.O. Box 791
 Raleigh, NC 27602

Chapter 13
 Case Number: 16-03713-5-DMW

NOTICE OF MOTION FOR CONFIRMATION OF PLAN

Joseph A. Bledsoe, III, Chapter 13 Trustee has filed papers with the Court to Confirm the Chapter 13 Plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the Motion For Confirmation Of Plan, or if you want the court to consider your views on the motion, then on or before 08/28/2017, you or your attorney must file with the court, pursuant to Local Rule 9013-1 and 9014-1, a written response, an answer explaining your position, and a request for hearing at:

U.S. Bankruptcy Court
 PO Box 791
 Raleigh, NC 27602

If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

You must also mail a copy to debtor(s), debtor(s) attorney and trustee at the following addressses:

| Debtor(s): | Attorney: | Trustee: |
|------------------------|------------------------------|------------------------|
| JAMES MACKENZIE JORDAN | HURMAN R. SIMS | Joseph A. Bledsoe, III |
| 2405 HINES FARMS ROAD | LAW OFFICE OF HURMAN R. SIMS | P.O. Box 1618 |
| JACKSONVILLE, NC 28540 | 222 NEW BRIDGE ST | New Bern, NC 28563 |
| ----- | JACKSONVILLE, NC 28540 | |
| DEIDRE KNIGHT JORDAN | | |
| 2405 HINES FARMS ROAD | | |
| JACKSONVILLE, NC 28540 | | |

If a response and a request for hearing is filed in writing on or before the date set above, a hearing will be conducted on the motion at a date, time and place to be later set and all parties will be notified accordingly.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: July 28, 2017

Joseph A. Bledsoe, III
 Chapter 13 Trustee
 P.O. Box 1618
 New Bern, NC 28563

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
NEW BERN DIVISION**

IN RE:

CASE NUMBER: 16-03713-5-DMW

JAMES MACKENZIE JORDAN

DEIDRE KNIGHT JORDAN

CHAPTER 13

DEBTOR(S)

**MINUTES OF 341 MEETING AND
MOTION FOR CONFIRMATION OF PLAN**

NOW COMES the Trustee in the above referenced Chapter 13 case moving the Court for an Order confirming the Plan in the case and, in support, of said Motion, says unto the court:

1. That the debtor(s) appeared at the meeting of creditors, as required by 11 U.S.C. § 341 and submitted to an examination under oath by the Trustee on August 26, 2016, or has supplied answers to written interrogatories;
2. The debtor(s) has/have complied with all requirements of 11 U.S.C §521 (a) (1) (B) and Interim Bankruptcy Rules 1007 and 4002 (b), as modified and adopted by this Court, and this case has not been dismissed, nor is it subject to dismissal, under 11 U.S.C. §521 (i);
3. That there are no pending objections to confirmation or other filings or pleadings that would impede the confirmation of the Plan in this case;
4. That the trustee has reviewed the schedules and relative information in the debtor(s) petition and has made a determination of the disposable income for the debtor(s) in this case. The calculation of disposable income impacts what, if any, dividend will be received by unsecured creditors. The debtor(s) plan provides for payments of:

| | | | |
|----------|-----|----|--------|
| \$780.00 | for | 60 | Months |
| | for | | Months |
| | for | | Months |
| | for | | Months |

5. That the liens of creditors which will not be paid in full during the term of the Plan or which are to be paid directly by the debtor(s) are not affected by the confirmation of this plan;
6. Generally, and subject to orders entered hereafter by the Court, any proof of claim that is not filed on or before November 24, 2016 ("Bar Date") shall be disallowed. Claims of governmental units, proofs of which are not filed before January 16, 2017 ("Government Bar Date") shall be disallowed;
7. That the claims of secured creditors shall be paid as secured to the extent of the claim or to the extent of the value of the collateral as set out below:

a. Claims to be paid directly by the Debtor:

| <u>Creditor</u> | <u>Collateral</u> | <u>Repayment Rate/Term</u> |
|----------------------|-------------------------|--|
| #010 Coastal Finance | '03 GMC Yukon | OUTSIDE |
| #011 Coastal Finance | Arrears – '03 GMC Yukon | \$626.72 to be paid over life of plan by Trustee |

b. Continuing Long Term Debts to be paid by the Trustee:

IF A PROOF OF CLAIM IS TIMELY FILED the claim is to be paid on a monthly basis according to the terms of the contract effective the first month after confirmation. Arrearages, if any, are to be paid over the life of the plan. Two post-petition contractual payments shall be included in the administrative arrearage claim. **The Debtor is to resume direct payments upon completion of plan payments.**
(SEE PARAGRAPH 8 BELOW)

| <u>Creditor</u> | <u>Collateral</u> | <u>Repayment Rate/Term</u> |
|----------------------------|--|--|
| #800 Ditech Financial, LLC | Residence | Contractual payment in the amount of \$314.41 for 10 months followed by \$307.58 for 48 months to be made by Trustee effective with the October 2016 payment |
| #801 Ditech Financial, LLC | Residence administrative arrearage claim | \$628.82 to be paid over life of plan (August and September 2016 payments) |
| #802 Ditech Financial, LLC | Residence pre-petition arrears | \$5,279.52 to be paid over life of plan |

c. Claims paid to extent of claims as filed (no cramdown):

| <u>Creditor</u> | <u>Collateral</u> | <u>Repayment Rate/Term</u> |
|-----------------------|--------------------------------|--|
| #004 Capital One Auto | '11 Mazda 6 | \$8,756.87 @ 5.5% to be paid over life of plan |
| #022 Mariner Finance | 2 nd Lien GMC Yukon | \$1,249.29 @ 5.5% to be paid over life of plan |

d. Claims paid to extent of value:

| <u>Creditor</u> | <u>Collateral</u> | <u>Present Value</u> | <u>Repayment Rate/Term</u> |
|-----------------|-------------------|----------------------|----------------------------|
| NONE | | | |

Pursuant to Local Rule 3070-1(b) some secured creditors may be entitled to pre-confirmation adequate protection payments.

8. **LONG TERM RESIDENTIAL MORTGAGE CLAIMS** shall be paid in a manner consistent with Local Rule 3070-2.
9. That the following creditors have filed secured proofs of claims but, due to the value placed on the collateral, the claims will be treated as unsecured and paid along with other unsecured claims. With respect to claims listed below for which the terms of repayment are listed as “Surrender,” upon entry of an Order confirming the plan, as modified by this Motion, the automatic stay of §362(a) and the automatic co-debtor stay of §1301 shall thereupon be lifted and modified with respect to such property “for cause” under §362(a)(1), as allowed by Local Rule 4001-1(b).

NONE

Reference herein to “Direct” or “Outside” or similar language regarding the payment of a claim under this plan means that the debtor(s) or a third party will make the post-petition payments in accordance with the contractual documents which govern the rights and responsibilities of the parties of the transaction, including any contractual modifications thereof, beginning with the first payment that comes due following the order for relief;

10. That the treatment of claims indicated in paragraphs 7 and 9 above, are based on information known to the Trustee at the time of the filing of this Motion. The treatment of some claims may differ from that indicated if subsequent timely filed claims require different treatment;
11. That the following executory contracts and unexpired leases shall be either assumed or rejected as indicated below:

| <u>Creditor</u> | <u>Property Leased/Contracted For</u> | <u>Treatment</u> |
|---------------------------|---------------------------------------|------------------|
| #003 Brunswick Apartments | Apartment lease | Reject |
| #025 Melissa Dutcher | Residential lease | Reject |

12. That priority claims shall be paid in full over the term of the Plan;
13. That confirmation of this Plan will be without prejudice to pending Motions For Relief From the Automatic Stay and will be without prejudice to objections to claims and avoidance actions;
14. That confirmation of the Plan vests all property of the estate in the debtor(s);
15. That the attorney for the debtor(s) is requesting fees in the amount of \$5,000.00. The Trustee recommends to the Court a fee of \$5,000.00. If the recommended fee is different from that requested an explanation can be found in Exhibit ‘A’.

s/ Joseph A. Bledsoe, III
Joseph A. Bledsoe, III
Standing Chapter 13 Trustee

EXHIBIT 'A'**CASE NUMBER: 16-03713-5-DMW****DEBTORS: JAMES MACKENZIE JORDAN
DEIDRE KNIGHT JORDAN****EMPLOYMENT:**Debtor: ONSLOW COUNTY SCHOOLS GROSS INCOME: \$41,472.00
Spouse: NEW BEGINNINGS \$27,120.00**Prior Bankruptcy cases:** Yes ☐ No ☒ If so, Chapter filed

Disposition:

Real Property: House and Lot ☒ Mobile home ☐ Lot/Land ☐ Mobile Home/Lot ☐

Description: RESIDENCE, 2405 HINES FARMS RD., JACKSONVILLE, NC

FMV \$111,888.00 Date Purchased

Liens \$28,014.00 Purchase Price

Exemptions \$70,000.00 Improvements

Equity \$13,874.00 Insured For

Rent Tax Value

COMMENTS:**Attorney** Requested: \$5,000.00 (excluding filing fee)
Fees: Paid: \$100.00 (excluding filing fee)
Balance: \$4,900.00**Trustee's Recommendation:** \$5,000.00

Comments:

Plan Information:

| <u>Plan Information:</u> | | <u>After 341</u> | | <u>Payout % After 341</u> | |
|--------------------------|-------------|------------------|-----------------|---------------------------|---------|
| Total Debts | \$67,899.84 | Pay in | \$46,800.00 | Priority | 100.00% |
| Priority | \$4,900.00 | Less 6.00% | \$2,808.00 | Secured | 100.00% |
| Secured | \$35,958.51 | Subtotal | \$43,992.00 | Unsecured | 15.54% |
| Unsecured | \$27,041.33 | Req. Atty. Fee | Incl. w/ claims | Joint | % |
| Joint Debts | | Available | \$43,992.00 | Co-Debts | % |
| Co-Debtor | | | | | |

Payroll Deduction: Yes ☐ No ☒
Objection to Confirmation: Yes ☒ No ☐

Pending: SEE COURT DOCKET

Resolved: SEE COURT DOCKET

Motions Filed: Yes ☐ No ☒

If so, indicate type and status: SEE COURT DOCKET

Hearing Date:

CASE: 1603713 TRUSTEE: 2V COURT: 278
 TASK: 07-26-2017.01030578.LSA000 DATED: 07/28/2017

Court Served Electronically

| | | |
|---------|--|--|
| Trustee | Joseph A. Bledsoe, III | P.O. Box 1618 New Bern, NC 28563 |
| Debtor | JAMES MACKENZIE JORDAN | 2405 HINES FARMS ROAD JACKSONVILLE, NC 28540 |
| Joint | DEIDRE KNIGHT JORDAN | 2405 HINES FARMS ROAD JACKSONVILLE, NC 28540 |
| 799 | 000002 HURMAN R. SIMS 222 NEW BRIDGE ST | LAW OFFICE OF HURMAN R. SIMS JACKSONVILLE, NC 28540 |
| 008 | 000011 CHASE 1930 OLNEY AVE | C/O MRS ASSOC CHERRY HILL, NJ 08003 |
| 027 | 000025 MRS BPO LIC | 1930 OLNEY AVENUE CHERRY HILL, NJ 08003 |
| 007 | 000010 CHASE | PO BOX 15298 WILMINGTON, DE 19850-5298 |
| 023 | 000022 MARINER FINANCE | 22826 SUSSEX HIGHWAY SEAFORD, DE 19973 |
| 022 | 000021 MARINER FINANCE NORTH CAROLINA INC | 8211 TOWN CENTER DRIVE NOTTINGHAM, MD 21236 |
| 001 | 000006 BANK OF AMERICA NC4-105-03-14 | PO BOX 26012 GREENSBORO, NC 27420 |
| 005 | 000008 CAPITAL ONE BANK PO BOX 71083 | BY AMERICAN INFOSOURCE CHARLOTTE, NC 28272-1083 |
| 006 | 000009 CAPITAL ONE BANK PO BOX 71083 | BY AMERICAN INFOSOURCE CHARLOTTE, NC 28272-1083 |
| 002 | 000007 BRUNSWICK APARTMENTS | 1001 HUNTER STONE DRIVE LELAND, NC 28451 |
| 003 | 000032 BRUNSWICK APARTMENTS | 1001 HUNTER STONE DRIVE LELAND, NC 28451 |
| 019 | 000034 JEFFREY JORDAN | 1220-24 HUNTERSTONE DRIVE LELAND, NC 28451 |
| 024 | 000023 MELISSA DUTCHER | 603 NEW RIVER DRIVE JACKSONVILLE, NC 28540 |
| 025 | 000033 MELISSA DUTCHER | 603 NEW RIVER DRIVE JACKSONVILLE, NC 28540 |
| 020 | 000019 MARINE FEDERAL CREDIT UNION PO BOX 1336 | BANKRUPTCY DEPT. JACKSONVILLE, NC 28541-1336 |
| 021 | 000020 MARINE FEDERAL CREDIT UNION PO BOX 1336 | BANKRUPTCY DEPT. JACKSONVILLE, NC 28541-1336 |
| 010 | 000004 COASTAL FINANCE | PO BOX 1930 SWANSBORO, NC 28584 |
| 011 | 000031 COASTAL FINANCE | PO BOX 1930 SWANSBORO, NC 28584 |
| 026 | 000024 MERCHANTS ADJUSTMENT SERVICE 56 N. FLORIDA ST. | PO BOX 7511 MOBILE, AL 36670 |
| 028 | 000026 REVENUE RECOVERY CORP | 7005 MIDDLEBROOK PIKE KNOXVILLE, TN 37909 |
| 029 | 000027 REVENUE RECOVERY CORP | 7005 MIDDLEBROOK PIKE KNOXVILLE, TN 37909 |

CASE: 1603713 TRUSTEE: 2V COURT: 278 Page 2 of 2
 TASK: 07-26-2017.01030578.LSA000 DATED: 07/28/2017

| | | | |
|-----|--------|---|---|
| 012 | 000013 | COMENITY BANK PO BOX 182125 | BKCY DEPT COLUMBUS, OH 43218-2125 |
| 031 | 000029 | MIDLAND FUNDING, LLC PO BOX 2011 | MIDLAND CREDIT MANAGEMENT INC. AGEN WARREN, MI 48090 |
| 032 | 000030 | US DEPT OF EDUCATION | PO BOX 16448 ST. PAUL, MN 55116-0448 |
| 035 | 000037 | EMERG PHYS ASSOC OF NC, P.C. | 6681 COUNTRY CLUB DRIVE GOLDEN VALLEY, MN 55427 |
| 034 | 000036 | EMERGENCY COVERAGE CORP. | 6681 COUNTRY CLUB DRIVE GOLDEN VALLEY, MN 55427 |
| 014 | 000014 | FINGERHUT | 6250 RIDGEWOOD RD ST. CLOUD, MN 56303 |
| 013 | 000005 | DITECH FINANCIAL LLC | PO BOX 6172 RAPID CITY, SD 57709 |
| 800 | 000038 | DITECH FINANCIAL, LLC PO BOX 6154 | FKA: GREEN TREE SERVICING, LLC RAPID CITY, SD 57709-6154 |
| 801 | 000039 | DITECH FINANCIAL, LLC PO BOX 6154 | FKA: GREEN TREE SERVICING, LLC RAPID CITY, SD 57709-6154 |
| 802 | 000040 | DITECH FINANCIAL, LLC PO BOX 6154 | FKA: GREEN TREE SERVICING, LLC RAPID CITY, SD 57709-6154 |
| 030 | 000028 | STELLAR RECOVERY, INC STE 100 | 1327 HWY 2 WEST KALISPELL, MT 59901-3413 |
| 015 | 000015 | HARRIS & HARRIS, LTD | 111 W JACKSON BLVD 400 CHICAGO, IL 60604 |
| 016 | 000016 | HARRIS & HARRIS, LTD | 111 W JACKSON BLVD 400 CHICAGO, IL 60604 |
| 017 | 000017 | HARRIS & HARRIS, LTD | 111 W JACKSON BLVD 400 CHICAGO, IL 60604 |
| 018 | 000018 | HARRIS & HARRIS, LTD | 111 W JACKSON BLVD 400 CHICAGO, IL 60604 |
| 009 | 000012 | CITIBANK / SEARS | PO BOX 790040 SAINT LOUIS, MO 63179 |
| 004 | 000003 | CAPITAL ONE AUTO FINANCE | 7933 PRESTON ROAD PLANTO, TX 75024 |
| 033 | 000035 | CAPITAL ONE AUTO FINANCE PO BOX 201347 | A DIVISION OF CAPITAL ONE NA ARLINGTON, TX 76006 |

43 NOTICES

THE ABOVE REFERENCED NOTICE WAS MAILED TO EACH OF THE ABOVE ON 07/28/2017.
 I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.
 EXECUTED ON 07/28/2017 BY /S/EPIQ Systems, Inc.

*CM - Indicates notice served via Certified Mail